

**ERIE COUNTY LEGISLATURE
MEETING NO. 20
NOVEMBER 2, 2017**

The Legislature was called to order by Chair Mills.

All members present.

An Invocation was held, led by Mr. Rath, who read a quote from President Ronald Reagan.

The Pledge of Allegiance was led by Ms. Miller-Williams.

Item 1 – No tabled items.

Item 2 – No items for reconsideration from previous meeting.

Item 3 – MR. LORIGO moved for the approval of the minutes for Meeting 19 from 2017.
MR. RATH seconded.

CARRIED UNANIMOUSLY.

Item 4 – No public hearings.

MISCELLANEOUS RESOLUTIONS

Item 5 – MR. HARDWICK presented a resolution Congratulating Carl P. Hoover on Being Named the Chamber of Commerce of the Tonawandas' Citizen of the Year for 2017, and for his Dedication to the Community.

Item 6 – MR. HARDWICK presented a resolution Congratulating Donald Norman Lange on Being Awarded the 2017 Lifetime Achievement Award by the Chamber of Commerce of the Tonawandas and for his Dedication to the Community.

Item 7 – MR. HARDWICK presented a resolution Congratulating John F. Lukasik on Being Awarded the 2017 Lifetime Achievement Award by the Chamber of Commerce of the Tonawandas and for his Dedication to the Community.

Item 8 – MR. HARDWICK presented a resolution Congratulating Amato, Fox & Company on Being Named the Chamber of Commerce of the Tonawandas' Business of the Year for 2017, and for its Dedication to the Community.

Item 9 – MR. LORIGO presented a resolution Honoring Dennis Dembinski for Being Recognized as the Veteran of the Month for November 2017 by the U.S. House of Representatives.

Item 10 – MR. LORIGO presented a resolution Honoring the Save Our Western New York Children's Psychiatric Center Coalition as the Erie County Legislature's Organization of the Month for November 2017, and Commends their Contributions to the Community.

MR. LORIGO moved for consideration of the above six items. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

MR. LORIGO moved to amend the above six items to include Et Al sponsorship. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

MR. LORIGO moved for approval of the above six items as amended. MR. RATH seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 11 – CHAIR MILLS directed that Local Law No. 18 (Print #1) 2016 remain on the table and in the PUBLIC SAFETY COMMITTEE.

GRANTED.

Item 12 – CHAIR MILLS directed that Local Law No. 19 (Print #1) 2016 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Item 13 – CHAIR MILLS directed that Local Law No. 1 (Print #2) 2017 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Item 14 – CHAIR MILLS directed that Local Law No. 4 (Print #1) 2017 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 15 – CHAIR MILLS directed that Local Law No. 5 (Print #2) 2017 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 16 – CHAIR MILLS directed that Local Law No. 6 (Print #1) 2017 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 17 – CHAIR MILLS directed that Local Law No. 8 (Print #1) 2017 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Item 18 – CHAIR MILLS directed that Local Law No. 12 (Print #1) 2017 remain on the table and in the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

Item 19 – CHAIR MILLS directed that Local Law No. 14 (Print #1) 2017 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Item 20 – CHAIR MILLS directed that Local Law No. 15 (Print #1) 2017 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Item 21 – CHAIR MILLS directed that Local Law No. 16 (Print #1) 2017 remain on the table and in the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

Item 22 – CHAIR MILLS directed that Local Law No. 17 (Print #1) 2017 remain on the table and in the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

Item 23 – MR. LORIGO moved to suspend the Rules of Order and to take Local Law No. 18 (Print #1) 2017 off the table. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 220

LOCAL LAW TO BE ENACTED BY
THE ERIE COUNTY LEGISLATURE
IN THE
COUNTY OF ERIE
LOCAL LAW INTRO. – NO. 18-1 - 2017
LOCAL LAW – NO. - 2017

A LOCAL LAW Intro amending Local Law 3 of 2008, which affords real property tax breaks to veterans of the Cold War.

SECTION 1. Legislative Intent

It is the intent of this body to extend the Cold War Veteran's real property tax exemption from the current ten year expiration date pursuant to recently amended §458-b of the New York State Real Property Tax Law. The New York State Legislature and Governor recently amended the Real Property Tax law to allow veterans of the Cold War to claim a 10% exemption on certain qualifying real property for as long as the veteran owns it. This is an increase from the previous version of the law that allowed the exemption to stand for ten years from the date of purchase.

SECTION 2. Amend Local Law 3 (2008)

Amend Section 4(C) of Local Law 3 (2008) to read as follows:

The exemption provided by subdivision A of section 3 of this local law shall be granted to qualifying owners of qualifying real property for as long as they remain qualifying owners pursuant to New York State Real Property Tax Law §458-b [for a period of 10 years, the commencement of such 10 year period being governed pursuant to this subdivision. Where a qualified owner owns qualifying residential real property on the effective date of this local law, such 10 year period shall commence with Erie County's 2010 tax year. Where a qualified owner does not own qualifying residential real property on the effective date of this local law, such 10 year period shall be measured from the assessment roll prepared pursuant to the first taxable status date occurring at least 60 days after the date of purchase of qualifying residential real property; provided, however, that should the veteran apply for and be granted an exemption on the assessment roll prepared pursuant to a taxable status date occurring within 60 days after the date of purchase of residential property, such 10 year period shall be measured from the first assessment roll in which the exemption occurs. If, before the expiration of the such [sic] 10 year period, such exempt property is sold and replaced with other residential real property, such exemption may be granted pursuant to subdivision A of section 3 of this local law for the unexpired portion of the 10 year exemption period].

SECTION 3. Severability

If any clause, sentence, paragraph, subdivision, section or part of this Local Law or the application thereof, to any person, individual, corporation, firm, partnership, entity or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional such order of judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this Local Law or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such judgment or order shall be rendered.

SECTION 4. Effective Date

This local law shall take effect immediately upon filing with the Secretary of State.

Sponsor: Legislator Joseph C. Lorigo

Co-Sponsors: Chairman John J. Mills, Legislator Ted B. Morton and Legislator Edward A. Rath III

Underlined material is to be added. [Bracketed] material is to be deleted.

MR. LORIGO moved to approve Local Law No. 18 (Print #1) 2017. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

Item 24 – MR. LORIGO moved to take Local Law No. 19 (Print #1) 2017 off the table. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 221

LOCAL LAW TO BE ENACTED BY
THE ERIE COUNTY LEGISLATURE
IN THE
COUNTY OF ERIE
LOCAL LAW INTRO. – NO. 19-1 - 2017
LOCAL LAW – NO. - 2017

A Local Law imposing misdemeanor criminal sanctions upon finding of fraudulent representation of military status to receive a monetary or other tangible benefit, otherwise known as the Theft of Valor law.

SECTION 1. Legislative intent

Veterans of the United States Armed Forces placed their lives on the line to protect the freedoms we enjoy as United States citizens. Some veterans went beyond the call of duty during their service, risking their personal safety taking action worthy of honor. For these heroic actions many soldiers receive decorations or medals, which provide lasting and public recognition.

This Legislature finds that some individuals falsely claim to have received such decorations to obtain tangible benefits, money or other valuable items. Such actions are disgraceful and tarnish the accomplishments of those men and women who truly earned their military decorations. Further, an individual who fraudulently represents him or herself as a decorated veteran in order to obtain money, property or other tangible benefits should be subject to penalty.

The purpose of this article is to prohibit persons from deceitfully presenting themselves as a decorated veteran in Erie County for personal gain.

SECTION 2. Definitions

As used in this article, the following terms shall have the meanings indicated:

- 1) “Combat Badge” - A Combat Infantryman's Badge, Combat Action Badge, Combat Medical Badge, Combat Action Ribbon or Combat Action Medal.
- 2) “Person” - Any natural individual.

SECTION 3. Prohibited conduct

No person shall, with the intent of obtaining money, property, or other tangible benefit, fraudulently hold himself or herself out to be the recipient of a military decoration or any of the following medals:

- A. The Congressional Medal of Honor;
- B. A Distinguished Service Cross;
- C. A Navy Cross;
- D. An Air Force Cross;
- E. A Silver Star;
- F. A Purple Heart; or
- G. A Combat Badge.

SECTION 4. Penalties for offenses

Violation of any portion of this article shall be punishable by a fine of up to \$250 for the first offense, \$500 for a second offense within one year, and \$1,000 and/or up to one year's imprisonment for a third offense within the same year.

SECTION 5. Applicability and Enforcement

This article shall apply to all actions occurring on or after the effective date of this article pursuant to Section 6.

Enforcement of this law shall be the responsibility of the Erie County Veteran's Service Department. The Veteran's Service Department shall be required to work with the Erie County Clerk's Office to locate a discharge from active duty form, or DD 214, on file prior to filing any charges against an accused.

A valid DD 214 form shall be an affirmative defense under this law.

SECTION 6. Severability

If any clause, sentence, paragraph, subdivision, section or part of this Local Law or the application thereof, to any person, individual, corporation, firm, partnership, entity or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional such order of judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this Local Law or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such judgment or order shall be rendered.

SECTION 7. Due Process

Nothing in this law is intended to infringe on any individual's rights to due process.

SECTION 8. Effective Date

This local law shall take effect 60 days after filing with the Secretary of State.

Sponsor: Legislator Edward A. Rath

Co-Sponsor: Chairman John J. Mills, Legislator Ted B. Morton and Legislator Lynne M. Dixon

MR. LORIGO moved to approve Local Law No. 19 (Print #1) 2017. MR. RATH seconded.

CHAIR MILLS directed that a roll call vote be taken.

AYES: MR. BURKE, MS. GRANT, MR. LOUGHRAN, MS. MILLER-WILLIAMS, MR. SAVAGE, MS. DIXON, MR. HARDWICK, MR. LORIGO, CHAIR MILLS, MR. MORTON and MR. RATH. NOES: None. (AYES: 11; NOES: 0)

CARRIED UNANIMOUSLY.

Item 25 – CHAIR MILLS directed that Local Law No. 20 (Print #1) 2017 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

COMMITTEE REPORTS

Item 26 – MS. DIXON presented the following report and moved for immediate consideration and approval. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 222

October 26, 2017	HEALTH & HUMAN SERVICES COMMITTEE REPORT NO. 16
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ALL MEMBERS PRESENT.

1. COMM. 19E-11 (2017)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Health Disease Surveillance and Epidemiology program receives notice of all laboratory confirmed communicable diseases; and

WHEREAS, Erie County Department of Health Disease Surveillance and Epidemiology program is responsible for entering the communicable disease reports in CDESS and ECLRS; and

WHEREAS, the New York State Department of Health created the Performance Incentive Initiative to improve communicable disease reporting to better protect the health and safety of NYS residents through earlier detection of cases and prompt initiation of control measures to prevent further spread; and

WHEREAS, the New York State Department of Health measured adequacy of gonorrhea treatment, the completeness of syphilis serology records and the reporting of the timeliness and completeness of communicable disease reports and investigations over a six month period; and

WHEREAS, the ECDOH has maintained high standards of communicable disease reporting measures during the 2016 performance period; and

WHEREAS, The New York State Department of Health wishes to award the Erie County Department of Health a Performance Incentive of \$30,000.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the acceptance of the Performance Incentive award of \$30,000 that is budgeted as follows:

HEALTH DIVISION
Fund Center 12700

	<u>REVENUE</u>	<u>AMOUNT</u>
SAP		
405540	State Aid –Art VI/Public Hlth	<u>\$30,000</u>
	Total	<u>\$30,000</u>
	<u>EXPENSES</u>	
505800	Medical & Health Supplies	\$15,000
561420	Office Furniture & Fixtures	<u>15,000</u>
	Total	<u>\$30,000</u>

and be further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the Office of the Comptroller, the Division of Budget and Management, the Department of Law and to Dr. Gale R. Burstein, Commissioner in the Erie County Health Department, 9th Floor, Rath Building.

(5-0)

2. COMM. 19E-12 (2017)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Health provides forensic medical services through the Office of the Medical Examiner; and

WHEREAS, the need for expert pathological skills is critical for the function of the medical examiner's office; and

WHEREAS, the Erie County Medical Examiner's Office provides crucial support and determinations to the law enforcement community; and

WHEREAS, the Erie County Medical Examiner's Offices faces a temporary staffing shortage; and

WHEREAS, fee-for-service forensic pathology services are available to cover staffing shortages on an interim basis; and

WHEREAS, an RFP process was previously performed to solicit respondents willing to perform fee-for-service on a rotating basis in Erie County; and

WHEREAS, changes in availability have limited the ability of all of the respondents to continue working in Erie County necessitating the addition of one FFS pathologist on a short-term basis.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into a contract with Jay Stahl-Herz, M.D.; and be it further

RESOLVED, that the Erie County Legislatures waives the RFP process for this individual contract; and be it further

RESOLVED, that the following fee scheduled is adopted for this contract based on RFP# 1707VF

Full autopsy	Partial autopsy	External Examination	Overnight on call	Testimony
\$1,200	\$600	\$400	\$200	\$1,000

and be it further;

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the Office of the Comptroller, the Division of Budget and Management, the Department of Law, and to Dr. Gale R. Burstein, Commissioner of Health.

(5-0)

LYNNE M. DIXON
CHAIR

Item 27 – MR. LORIGO presented the following report and moved for immediate consideration and approval. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 223

October 26, 2017	ECONOMIC DEVELOPMENT COMMITTEE REPORT NO. 16
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ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 13E-12 (2017)
COUNTY EXECUTIVE: “2017 Countywide Hazardous Materials, Design and/or Sample Testing & Air Monitoring”
(Chair’s Motion)
 - b. COMM. 13E-13 (2017)
COUNTY EXECUTIVE: “Ellicott Creek Park - 2017 Reconstruction & Repair Shelter Nos. 6, 7 & 9”
(Chair’s Motion)

2. COMM. 19E-4 (2017)
COUNTY EXECUTIVE
WHEREAS, the Bridge Washing (246 Bridges) PIN 5761.31, (the “Project”) is eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% Non-Federal funds, depending upon the Federal Aid Funding Program; and

WHEREAS, the County of Erie desires to advance the Construction phase of the Project by making a commitment for the Federal and Non-Federal share of the costs of the project; and

WHEREAS, in order to facilitate the Construction and Construction Inspection Phases for the Projects, it will be necessary for the County to execute an Agreement with New York State Department of Transportation in the total amount of \$260,000 of which \$52,000 is the required local share, for the construction and construction inspection phase of the Project; and

WHEREAS, the Department of Public Works would like to successfully implement the Project, it will be necessary for the County to execute the construction contract with the responsible low bidder, enter an into a construction phase engineering services agreement with CHA Consultants, and establish a construction contingency in an amount not to exceed \$260,000.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the above subject Project; and be it further

RESOLVED, that the County Legislature of the County of Erie hereby authorizes the County of Erie to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of Construction and Construction Inspection Phases of the Project or portions thereof; and be it further

RESOLVED, that the Project Fund B.15008, 2015 Federal Aid Bridge Preservation Construction Bridge Washing, anticipated Federal revenue, Funds Center 123, Fund 420, GL 414000 be adjusted for the anticipated Federal revenue in the amount of \$208,000; and be it further

RESOLVED, that the estimated total sum of the construction and construction inspection Phase of the Project, \$260,000, is hereby appropriated from B.15008 – 2015 Federal Aid Bridge Preservation Construction Bridge Washing and made available to cover the cost of participation in the Construction and Construction Inspection phase of the Project; and be it further

RESOLVED, the County Executive is hereby authorized to execute the construction contract with the responsible low bidder, enter an into a construction phase engineering services agreement with CHA Consultants, and establish a construction contingency in an amount not to exceed \$260,000; and be it further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and non-Federal shares of the costs of the Project's construction and construction inspection phases exceeds the appropriated amount of \$260,000, the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof; and be it further

RESOLVED, that the County Executive of the County of Erie is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid on behalf of the County of Erie, with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the Municipality's first instance funding of Project costs and permanent funding of the local share of Federal aid and State aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and be it further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation, by attaching it to any necessary Agreement in connection with the Project; and be it further

RESOLVED, that the Clerk of the Legislature forward six (6) certified copies of this Resolution to the Department of Public Works, Office of the Commissioner, to be forwarded to the New York State Department of Transportation; and be it further

RESOLVED, that the Clerk of the Legislature forward one (1) certified copies of this Resolution to the Department of Public Works, Office of the Commissioner, and also one copy each to the Office of the County Executive, the Division of Budget and Management and the Office of the Comptroller.

(5-0)

3. COMM. 19E-5 (2017)
COUNTY EXECUTIVE

WHEREAS, the Pedestrian & Bicycle Improvements on Elmwood Avenue (Phase II) Project, PIN 5762.30 (the "Project"), is eligible for funding under the Federal Transportation Alternatives Program administered by the New York State Department of Transportation (NYSDOT); and

WHEREAS, the County of Erie has agreed to act as sponsor of the Project at the request of the Village of Kenmore; and

WHEREAS, under the Transportation Alternatives Program the Federal cost share of 80% is limited to the project amount set forth in the NYSDOT agreement with the local 20% share and any additional costs borne 100% by the local sponsor; and

WHEREAS, the Village of Kenmore has agreed to reimburse the County of Erie for the entire local (non-Federal) cost share, including 100% of any overruns; and

WHEREAS, based on reimbursement by the Village of Kenmore for the entire non-Federal share of the costs the County of Erie desires to advance the Project by making a commitment of 100% of the Non-Federal share of the costs of the Preliminary Engineering (Scoping & Design I-VI) and Right of Way Incidentals phases of the Project; and

WHEREAS, this new project will require a new capital project established in the amount of \$125,000 in Fund Center 123, Fund 420.

NOW, THEREFORE BE IT

RESOLVED, that the Erie County Legislature hereby approves the above subject Project; and be it further

RESOLVED, that the County Legislature of the County of Erie hereby authorizes the County of Erie to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the Preliminary Engineering (Scoping & Design I-VI) and Right of Way Incidentals phase of the Project or portions thereof; and be it further

RESOLVED, that the Erie County Office of the Comptroller establish a new capital project B.17xxx in the amount of \$125,000, Fund Center 123, Fund 420, to accept Federal revenue in the amount of \$100,000, G/L Account 414000 and the Village of Kenmore share of \$25,000, G/L 420499; and be it further

RESOLVED, that the estimated total sum of Project phase \$125,000 is hereby appropriated from the new capital project and made available to cover the cost of participation in the above phases of the Project; and be it further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the Project's Preliminary Engineering (Scoping & Design I-VI) and Right of Way Incidentals phase exceeds \$125,000 the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount; and be it further

RESOLVED, that the County Executive of the County of Erie is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid on behalf of the County of Erie, (subject to the County of Erie Office of County Attorney's approval as to form and content), with the New York State Department of Transportation in connection with the advancement or approval of the Project identified in the State/Local Agreement; and providing for the administration of the Project and the County's first instance funding of Project costs and the local share of Federal-Aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and be it further

RESOLVED, that the County Executive of the County of Erie is hereby authorized to execute an inter-municipal agreement with the Village of Kenmore regarding the Village's responsibility to provide 100% of the local funding share of the project including any cost overruns (subject to the County of Erie Office of County Attorney's approval as to form and content); and be it further resolved

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation, by attaching it to any necessary Agreement in connection with the Project; and be it further

RESOLVED, that ten (10) certified copies of this resolution be forwarded to the Department of Public Works, Office of the Commissioner, and one copy each to the Office of the County Executive, the Division of Budget and Management, the Office of the County Attorney, and the Office of the Comptroller.
(5-0)

4. COMM. 19E-6 (2017)

COUNTY EXECUTIVE

WHEREAS, the Unified Court System Eight Judicial District ("UCS") has requested that the Erie County Department of Public Works make improvements to the Erie County Family Court Building, Old County Hall and Erie County Court Building; and

WHEREAS, this project will greatly improve the aesthetics in the Family Court building, Old County Hall and Erie County Court Building, and the cost of the project is 100% reimbursable to the county; and

WHEREAS, the total for the project is in an amount not to exceed \$475,000; and

WHEREAS, a new SAP capital project will be created in Funds Center 122, Fund 410, in the amount of \$475,000, which is the amount of the anticipated reimbursement from the UCS; and

WHEREAS, the project will be reimbursed by the UCS as a tenant request line item within the Chapter 686 cleaning and minor maintenance contract with the County, for the New York State fiscal year beginning April 1, 2017.

NOW, THEREFORE, BE IT

RESOLVED, that in order to comply with the Unified Court System Eighth Judicial District request to make improvements to the Family Court Building, Old County Hall and Erie County Court

Building, a new SAP project (A.17xxx) will be created in the amount of \$475,000 for said improvements; and be it further

RESOLVED, that the new SAP project will be created in Funds Center 122, Fund 410, under the supervision of the Department of Public Works – Buildings and Grounds; and be it further

RESOLVED, that the County Executive is authorized to accept reimbursement in an amount not to exceed \$475,000 from UCS after said improvements are made; and be it further

RESOLVED, that the Division of Budget and Management is authorized to make all necessary budgetary and accounting entries to facilitate the acceptance of revenue and outlay of expenditures; and be it further

RESOLVED, that certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner, Office of the County Executive, the Division of Budget and Management, the Office of the Comptroller and the Unified Court System Eighth Judicial District c/o Andrew Isenberg.
(5-0)

JOSEPH C. LORIGO
CHAIR

Item 28 – MR. LORIGO presented the following report and moved for immediate consideration and approval. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 224

October 26, 2017	FINANCE & MANAGEMENT COMMITTEE REPORT NO. 13
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ALL MEMBERS PRESENT.

1. COMM. 3D-6 (2017)

COUNTY EXECUTIVE AS AMENDED

WHEREAS, the Erie County Director of Real Property Tax Services has received applications for corrected tax billings and / or refunds for taxes previously paid in accordance with New York State Real Property Tax Law sections 554 and 556; and

WHEREAS, the Director has investigated the validity of such applications (see attached listing).

NOW, THEREFORE, BE IT

RESOLVED, that petitions numbered 217154 through 217168, inclusive be hereby approved or denied based upon the recommendation of the Director of Real Property Tax Services and be charged back to the applicable towns and/or cities.

S-B-L 67.57-4-35 467 Maynard 142289 AMHERST

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$1,280.37	Town/SpecialDist/School
<u>Charge To :</u>	142289 AMHERST	\$1,280.37	
	Relevy School	\$1,280.37	142201 AMHERST

CENTRAL

RPTL550(2): Error calculating 520 charge
New tax bill to be issued

FISCAL YEAR 2017 Petition No. 217,158.00

ASSESSOR Cancel \$1,714.90
S-B-L 67.58-1-26 390 Longmeadow R 142289 AMHERST

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$1,714.90	Town/SpecialDist/School
<u>Charge To :</u>	142289 AMHERST	\$1,714.90	
	Relevy School	\$1,714.90	142201 AMHERST

CENTRAL

RPTL550(2): Failed to apply exemption
New tax bill to be issued

FISCAL YEAR 2017 Petition No. 217,159.00

ASSESSOR Cancel \$154.77
S-B-L 251.13-4-19 Erie Rd 144489 EVANS

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$154.77	Town/SpecialDist/School
<u>Charge To :</u>	144489 EVANS	\$154.77	
	Relevy School	\$154.77	144401 LAKE SHORE

CENTRAL

RPTL550(3): Wholly Exempt
New tax bill to be issued

FISCAL YEAR 2017 Petition No. 217,160.00

ASSESSOR Cancel \$1,225.00
S-B-L 63.11-1-14.1 847 West River Pa 144600 GRAND ISLAND

	Acct. No. 112	\$0.00	County
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	Acct. No. 132	\$1,225.00	Town/SpecialDist/School
<u>Charge To :</u>	144600 GRAND ISLAND	\$1,225.00	
	Relevy School	\$1,225.00	144601 GRND ISLN

CENTRAL

RPTL550(2): Failed to apply enhanced STAR exemption
New tax bill to be issued

FISCAL YEAR 2016 Petition No. 217,161.00

	ASSESSOR	Refund	\$578.49
S-B-L 24.20-4-3	62 Windham Ct	144600 GRAND ISLAND	

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$578.49	Town/SpecialDist/School
<u>Charge To :</u>	144600 GRAND ISLAND	\$578.49	
	Relevy School	\$578.49	144601 GRND ISLN

CENTRAL

RPTL550(2): Incorrect assessment
Refund to be issued to New England Estates of GI, LLC

FISCAL YEAR 2017 Petition No. 217,162.00

	ASSESSOR	Cancel	\$587.06
S-B-L 24.20-4-3	62 Windham Ct	144600 GRAND ISLAND	

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$587.06	Town/SpecialDist/School
<u>Charge To :</u>	144600 GRAND ISLAND	\$587.06	
	Relevy School	\$587.06	144601 GRND ISLN

CENTRAL

RPTL550(2): Incorrect assessment
New tax bill to be issued

FISCAL YEAR 2017 Petition No. 217,163.00

	ASSESSOR	Refund	\$467.05
S-B-L 24.20-4-3	62 Windham Ct	144600 GRAND ISLAND	

	Acct. No. 112	\$162.77	County
	Acct. No. 132	\$304.28	Town/SpecialDist/School
<u>Charge To :</u>	144600 GRAND ISLAND	\$304.28	

RPTL550(2): Incorrect assessment
Refund to be issued to New England Estates of GI, LLC

FISCAL YEAR	2017	Petition No.	217,164.00
	ASSESSOR	Cancel	\$3,456.79
S-B-L	106.00-1-17.1	274 West wood Av	145289 LANCASTER
	Acct. No. 112		\$0.00 County
	Acct. No. 132		\$3,456.79 Town/SpecialDist/School
<u>Charge To :</u>	145289 LANCASTER		\$3,456.79
	Relevy School		\$3,456.79 145201 LANCASTER

CENTRAL

RPTL550(2): Incorrect assessment
New tax bill to be issued

FISCAL YEAR	2017	Petition No.	217,165.00
	ASSESSOR	Cancel	\$10.75
S-B-L	139.00-12-13.1/6	Bullis Rd	145400 MARILLA
	Acct. No. 112		\$0.00 County
	Acct. No. 132		\$10.75 Town/SpecialDist/School
<u>Charge To :</u>	145400 MARILLA		\$10.75
	Relevy School		\$10.75 144201 IROQUOIS

CENTRAL

RPTL550(2): Duplicate entry
Delete parcel from the tax roll

FISCAL YEAR	2017	Petition No.	217,166.00
	ASSESSOR	Cancel	\$21.78
S-B-L	124.19-1-10.11	Clinton St	146800 WEST SENECA
	Acct. No. 112		\$0.00 County
	Acct. No. 132		\$21.78 Town/SpecialDist/School
<u>Charge To :</u>	146800 WEST SENECA		\$21.78
	Relevy School		\$21.78 146801 WEST SENECA

CENT

RPTL550(2): Parcel created in error
Delete parcel from the tax roll

(“Level 3 litigation”) seeking, among other things, a ruling that fiber optic cable is not taxable as real property and/or to compel the appropriate tax levying bodies to determine and approve the Applications, and

WHEREAS, the Erie County Real Property Tax Director (Director) has investigated the validity of such Applications, and

WHEREAS the Director has transmitted a written report of such investigation and his recommendations for action thereon, and

WHEREAS the Director has determined that the Applications are without merit and recommends that the Applications be denied for multiple reasons, and

WHEREAS the Director recommends that the Applications be denied for the following specific reasons:

1. The fiber optic cable constitutes taxable real property under multiple sections of Section 102 of the Real Property Tax Law as follows:
 - A. Fiber optic cable has been interpreted and taxed as real property for more than thirty years and should continue to be taxed as real property;
 - B. The fiber optic cable meets the definition of real property pursuant to Real Property Tax Law Section 102(12)(i) and is taxable under that Section. *T-Mobile v. DeBellis and City of Mount Vernon*, 143 A.D.2d 992 (2nd Dept. 2016);
 - C. The fiber optic cables constitute fixtures and are taxable real property pursuant to Section 102(12)(b) of the Real Property Tax Law;
 - D. The fiber optic cable constitutes property for the distribution of light and is taxable real property pursuant to Real Property Tax Law 102(12)(f);
 - E. The Real Property Tax Law does not provide any tax exemption for fiber optic cable;
 - F. Real Property Tax Law Section 102 does not contain any express or implied exclusion for fiber optic cable from the definition of taxable real property;
 - G. The Legislative History of Real Property Tax Law Section 102 (12) supports the position that fiber optic cable constitutes taxable real property and is subject to real property taxation;
 - H. The legislative history of Real Property Tax Law Section 102 supports a finding that outside plant be taxed as real property.

- I. The research articles submitted by Level 3 in connection its litigation have no foundation, are not authoritative, were written many years after the New York State Legislature enacted the language contained in Real Property Tax Law Section 102 and there is no evidence the New York State Legislature considered those articles when the Legislation was enacted; and
- J. The RCN case, which Level 3 references in its Applications, is factually and legally distinguishable from the circumstances involving Level 3's property located in Erie County. The RCN case involved property in New York City in a building, and not underground cables connected to taxable fiber optic cable in the right of way, as is the situation in Erie County. In addition, the RCN case is in a different department and is not binding on the Courts in the Appellate Division, Fourth Judicial Department, to which the Level 3 litigation in Erie County is pending. Moreover, in a later *RCN* Decision rendered by the Appellate Division, First Department, the Court expressly confirmed that telecommunications equipment is subject to real property taxation according to generally applicable provisions of the Real Property Tax Law. *Matter of RCN Telecom Services of NY, et al v. Frankel, et al*, 100 A.D.3d 538, 541-542 (1st Dept 2012).

2. The Applications are procedurally improper. The Applications fail to establish a clerical error, unlawful entry or an error in essential fact as those terms are defined by Section 550 of the Real Property Tax Law. Numerous Town tax assessors have also analyzed Level 3's claims and confirmed the Director's analysis that Level 3's allegations do not constitute an "unlawful entry" as that term is defined in Real Property Tax Law Section 550(7). There was no entry of assessed valuation on an assessment roll or tax roll made by an unauthorized person or body.

3. Level 3 failed to pay the taxes under protest. The Voluntary Payment Doctrine bars Level 3 from recovery of taxes paid without protest. *Matter of Level 3 Communications, LLC v Chautauqua County*, 2017 NY Slip Op 02322 (4th Dept. March 25, 2017); *City of Rochester v. Chiarella*, 65 N.Y.2d 92, 98 (1985); *City of Rochester v. Chiarella*, 98 A.D.2d 8, 9, 12 (4th Dept., 1983) aff'd 63 N.Y.2d 857 (1984).

A) Level 3's argument that Real Property Tax Law Section 556 allows recovery without protest is without merit since Section 556 does not state or provide an affirmative right to recover taxes without protest. *Matter of Level 3 Communications, LLC v Chautauqua County*, 2017 NY Slip Op 02322 (4th Dept. March 25, 2017); *Level 3 Communications, LLC v. Essex County*, 129 A.D.3d 1255 (3rd Dept., 2015); *Community Health Plan v. Burkard*, 3 A.D.3d 724, 725 (3rd Dept., 2004).

4. The Applications are time barred and untimely on the basis that they were filed after the expiration of the tax warrants.

5. The Applications are also time-barred and untimely because they were not filed within three years from the annexation of the warrants for such taxes as required by Real Property Tax Law, Section 556(1)(a).

6. Form RP 556-b is wholly inapplicable to Level 3's Applications and claims.

- A) Real Property Tax Law Section 556-b is applicable only to four specific types of clerical errors, none of which exist or apply with respect to Level 3's claims.
- B) There was no "mistake in the determination or transcription of a special assessment" or "charges based on units of service provided by a special district."
- C) There was no mathematical error or real property located entirely outside the boundaries of the assessing unit.
- D) The Appellate Division, Third Judicial Department, has previously ruled that Level 3 incorrectly used RPTL Section 556-b to apply for the relief it seeks. *Level 3 Communications, LLC v. Essex County*, 129 A.D.3d 1255, 1257 (3rd Dept., 2015).

7. Level 3's proper remedy is to bring a *tax certiorari* proceeding under Article 7 of the Real Property Tax Law challenging the assessments prospectively. No tax grievances or Article 7 proceedings have been filed by Level 3. The Applications improperly seek retroactive tax refunds under inapplicable sections of the Real Property Tax Law.

8. The Applications should be denied on public policy grounds because Level 3 voluntarily deferred its challenges to the public assessments for multiple years and exposed the municipalities to unnecessary retroactive disruption of their budgets. *Press v. County of Monroe*, 50 N.Y.2d 695 (1980); *Solnick v. Whalen*, 49 N.Y.2d 224 (1979).

9. The Applications are untimely and barred by the four-month statute of limitations because they were filed more than four months after the assessment rolls became final and binding. *See Press v. County of Monroe*, 50 N.Y.2d 695 (1980).

10. The Applications contain only conclusory and hearsay allegations with respect to fiber optic cables and fail to contain detailed and sufficient evidence with respect to the identity, location, composition and usage of Level 3's property and lines. The Applications fail to contain any information from any engineer, expert, person or employee with personal knowledge with respect to the cable lines in question; and

WHEREAS the Erie County Legislature has carefully considered and fully agrees with the investigation and recommendations of the Director, and

NOW, THEREFORE, BE IT

RESOLVED, that all of the Level 3 Applications for Refund and Credit submitted pursuant to Real Property Tax Law are hereby denied in their entirety for the reasons set forth above and based upon the recommendation of the Director of Real Property Tax Services

FISCAL YEAR	2016	Petition No.	217,169.00
	OWNER	Cancel	\$0.00
S-B-L	Multiple	Multiple	144000 EDEN
	Acct. No. 112		\$0.00 County
	Acct. No. 132		\$0.00 Town/SpecialDist/School
<u>Charge To :</u>	144000 EDEN		\$0.00

Fiber optic cable not taxable
Applicatrion denied

FISCAL YEAR	2016	Petition No.	217,170.00
	OWNER	Cancel	\$0.00
S-B-L	Multiple	Multiple	145801 NORTH COLLINS
	Acct. No. 112		\$0.00 County
	Acct. No. 132		\$0.00 Town/SpecialDist/School
<u>Charge To :</u>	145801 NORTH COLLINS		\$0.00

Fiber optic cable not taxable
Application denied

FISCAL YEAR	2016	Petition No.	217,171.00
	OWNER	Cancel	\$0.00
S-B-L	Multiple	Multiple	145889 NORTH COLLINS
	Acct. No. 112		\$0.00 County
	Acct. No. 132		\$0.00 Town/SpecialDist/School
<u>Charge To :</u>	145889 NORTH COLLINS		\$0.00

Fiber optic cable not taxable
Application denied

FISCAL YEAR	2017	Petition No.	217,172.00
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	OWNER	Cancel	\$0.00
S-B-L	Multiple	Multiple	144000 EDEN
	Acct. No. 112		\$0.00 County
	Acct. No. 132		\$0.00 Town/SpecialDist/School
<u>Charge To :</u>	144000 EDEN		\$0.00

Fiber optic cable not taxable
Application denied

FISCAL YEAR 2017 Petition No. 217,173.00

	OWNER	Cancel	\$0.00
S-B-L	Multiple	Multiple	145801 NORTH COLLINS
	Acct. No. 112		\$0.00 County
	Acct. No. 132		\$0.00 Town/SpecialDist/School
<u>Charge To :</u>	145801 NORTH COLLINS		\$0.00

Fiber optic cable not taxable
Application denied

FISCAL YEAR 2017 Petition No. 217,174.00

	OWNER	Cancel	\$0.00
S-B-L	Multiple	Multiple	145889 NORTH COLLINS
	Acct. No. 112		\$0.00 County
	Acct. No. 132		\$0.00 Town/SpecialDist/School
<u>Charge To :</u>	145889 NORTH COLLINS		\$0.00

Fiber optic cable not taxable
Application denied

FISCAL YEAR 2017 Petition No. 217,175.00

	OWNER	Cancel	\$0.00
S-B-L	Multiple	Multiple	145801 NORTH COLLINS
	Acct. No. 112		\$0.00 County
	Acct. No. 132		\$0.00 Town/SpecialDist/School
<u>Charge To :</u>	145801 NORTH COLLINS		\$0.00

Fiber optic cable not taxable
Application denied

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Director of Real Property Tax Services.
(5-0)

JOSEPH C. LORIGO
CHAIR

Item 29 – MR. MORTON presented the following report and moved for immediate consideration and approval. MR. HARDWICK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 225

October 26, 2017	ENERGY & ENVIRONMENT COMMITTEE REPORT NO. 16
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ALL MEMBERS PRESENT.

1. RESOLVED, all items are hereby tabled.

TED B. MORTON
CHAIR

Item 30 – MR. RATH presented the following report and moved for immediate consideration and approval. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 226

October 26, 2017	PUBLIC SAFETY COMMITTEE REPORT NO. 17
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ALL MEMBERS PRESENT.

1. RESOLVED, the following item is hereby received and filed:
 - a. COMM. 18E-18 (2017)

RATH: “Letter to Sheriff and Homeland Security and Central Police Services
Commissioners Regarding County Preparedness Strategy”
(Chair’s motion)

EDWARD A. RATH III
CHAIR

LEGISLATOR RESOLUTIONS

Item 31 – MR. LORIGO presented the following resolution and moved for immediate consideration and approval. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 227

RE: Designating Visit Buffalo Niagara as
Erie County's Tourism Promotion
Agency
(INTRO. 20-1)

A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS MILLS, LORIGO, DIXON, HARDWICK,
MORTON, RATH, MILLER-WILLIAMS & BURKE

WHEREAS, the development, expansion and promotion of tourist travel to Erie County are of great benefit to the citizens of Erie County; and

WHEREAS, tourism spending in Erie County is reflected in bed and sales tax collections, as well as spurring a positive economic impact on amateur and professional sporting events, shopping, arts and culture and the hospitality industry; and

WHEREAS, this positive impact helps hold down property taxes and spurs economic growth and job creation; and

WHEREAS, in 1977, the New York State Legislature enacted the New York State Tourism Promotion Act to enable counties in the state to draw down funds to support their marketing and advertising campaigns; and

WHEREAS, the Tourism Promotion Act authorizes the state’s Department of Economic Development to operate a program of matching state funds for non-profit tourism promotion agencies designated by county legislative bodies as agencies that are authorized to apply for and receive grants for recognized media advertising programs; and

WHEREAS, Visit Buffalo Niagara (VBN) – formerly known as the Buffalo Niagara Convention and Visitors Bureau – has done a commendable job bringing together a diverse array of non-profit organizations, attractions, retail businesses and members of the hospitality industry to work collaboratively for the benefit of our entire region.

NOW, THEREFORE, BE IT

RESOLVED, that Visit Buffalo Niagara (VBN), having served as Erie County's tourism promotion agency since 1974, is hereby re-designated as such for 2017-2018; and, be it further

RESOLVED, that this Honorable Body does hereby request that Visit Buffalo Niagara submit the appropriate application to the New York State Department of Economic Development for state matching funds to assist VBN to finance its tourism marketing, media relations and advertising campaigns as set outlined in the New York State tourism Promotion Act; and, be it further

RESOLVED, that officials of Visit Buffalo Niagara are hereby requested to appear at a future meeting of the Legislature's Community Enrichment Committee to discuss the status of the aforementioned state matching fund grants and other matters relating to the promotion of tourist visitation in Erie County and the Buffalo Niagara Region; and, be it further

RESOLVED, that certified copies of this resolution be sent to the Commissioner of the New York State Department of Economic Development, 30 South Pearl St., Albany, NY 12245; Patrick Kaler and Karen Fashana of Visit Buffalo Niagara, 403 Main St., Suite 630, Buffalo, NY 14203; the tourism committees of both the New York State Assembly and Senate; County Executive Mark C. Poloncarz; Thomas R. Hersey Jr., Commissioner of the Department of Environment & Planning, and all other deemed necessary and proper.

Item 32 – MR. LORIGO presented the following resolution and moved for consideration. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 228

RE: Support for Local Authority to Alter
Speed Limits in and Around School
Zones
(INTRO. 20-2)

A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS MILLS, MORTON & RATH

WHEREAS, it is the finding of this body that as population densities change, certain roads across the county have posted speed limits that are too high for the safety of area residents; and

WHEREAS, any requested alterations to the speed limit must first go through New York State bureaucracy. In many situations the individuals in charge of making the decisions regarding posted speed limits have never been to the locality requesting the change; and

WHEREAS, this honorable body hereby determines that it is in the best interests of all residents of New York State to have local decision making authority regarding speed zones to be made by local agencies or officials; and

WHEREAS, State Senator Robert Ortt, Assemblyman Ray Walter, and Assemblyman Angelo J. Morinello have spoken out in favor of granting control to local authorities to set the maximum speed for school zones; and

WHEREAS, Senate Bill S6897A, sponsored by State Senator Ortt, and supported by Assemblymen Walter and Morinello, seeks to allow local authority to decrease speed zones passing school property; and

WHEREAS, as resident demographics and population numbers change schools often increase size of the school body. As a result, certain roads become a hazard for students, teachers, and parents in the area and often a decision on speed needs to be made quickly; and

WHEREAS, it is the finding of this body that local authority is best positioned to make local decisions regarding maximum allowable speeds.

NOW, THEREFORE, BE IT

RESOLVED, that this honorable body hereby supports local authority to set speed limits on local roads as presented in Senate Bill S6897A (2017); and, be it further

RESOLVED, that certified copies of this resolution be sent to the offices of Senator Ortt, Assemblyman Walter, Assemblyman Morniello, the Western New York Delegation to the New York State Legislature, Governor Cuomo, and any other party deemed necessary and proper.

MR. LORIGO moved to amend the item to include Et Al sponsorship. MR. SAVAGE seconded.

CARRIED UNANIMOUSLY.

MR. LORIGO moved to approve the item as amended. MR. RATH seconded.

CARRIED UNANIMOUSLY.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

None.

SUSPENSION OF THE RULES

Item 33 – MR. LORIGO moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

INTRO. 20-3 from CHAIR MILLS. Re: Buffalo Place Inc. - 2018 Budget and Supporting Documents as Submitted to the EC Legislature as Comm. 20M-1 (2017)

RESOLUTION NO. 229

A RESOLUTION TO BE
SUBMITTED BY CHAIR MILLS

WHEREAS, the Erie County Legislature approved Local Law No. 8-1984, establishing a downtown pedestrian/transit mall special district; and

WHEREAS, the Erie County Legislature approved on December 19, 1985, a resolution authorizing the County Executive to enter into agreement with Downtown Buffalo Management Corporation, now known as Buffalo Place Inc., designating Buffalo Place Inc. as the not-for-profit corporation with which Erie County shall contract for the performance of mall special district services, for which annual contracts were executed in 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017 and

WHEREAS, the said Local Law required that the mall corporation present an annual budget to the Legislature regarding the amount to be raised by mall district special charges; and

WHEREAS, pursuant to the said Local Law, Buffalo Place Inc. held a public hearing, on due notice to property owners within the district, regarding the proposed 2018 annual budget on October 24, 2017; and

WHEREAS, in October 30, 2013 the Board of Directors of Buffalo Place Inc. approved a resolution approving a payment in lieu of service charges for the HSBC Atrium Building and have included the same as part of its proposed 2017 budget.

NOW THEREFORE BE IT

RESOLVED, that the Erie County Legislature does hereby determine that the total amount to be raised by mall district service charges in 2018 shall be the sum of \$1,710,000 as contained in the attached budget which shall be a part of this Resolution, which amount does not exceed 80% of the service charges that could be assessed or levied against properties in the district; and be it further

RESOLVED, that the County of Erie be and hereby is authorized to enter into agreement with Buffalo Place Inc., the not-for-profit corporation described in Section 9 of Erie County Local Law No. 8-1984, providing for the performance by Buffalo Place Inc. of the mall special services set forth in Section 8 of said Local Law; the payment to Buffalo Place Inc. of the proceeds of the mall special district charges, less administrative costs, to be used by Buffalo Place Inc. in providing mall special district services; and such other terms and conditions as to the County Attorney appear necessary or appropriate for the implementation of Erie County Local Law No. 8-1984 and Chapter 673 of the Laws of 1982; and be it further

RESOLVED, that the Buffalo Place Inc. revenues, in addition to the special charges assessed as above set forth, include for the year 2018, \$18,000 in payment in lieu of service charges for KeyBank Center (1 Seymour H. Knox III Plaza, Buffalo, NY) and \$34,675 for HSBC Atrium

Building (95 Washington Street, Buffalo, NY) totaling \$52,675 as set forth in said budget, and be it further

RESOLVED, that the Erie County Commissioner of Finance shall, not later than November 16, 2017, cause to be established a Mall District Special Charge Roll apportioning the amount herein above determined to be raised by mall district special charges and payment in lieu of special charges for 2018 in conformance with the formula set forth in Section 7 of Erie County Local Law No. 8-1984 using the latest available final general or special assessment roll prepared by The City of Buffalo; and be it further

RESOLVED, that certified copies of this resolution in its final form be forwarded to the Erie County Executive, the Mayor of the City of Buffalo, the Chairman and the Executive Director of Buffalo Place Inc., and the Erie County Commissioner of Budget and Management.

MR. LORIGO moved to approve the item. MS. MILLER-WILLIAMS seconded.

CARRIED UNANIMOUSLY.

Item 34 – MR. LORIGO moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 20E-20 from CHAIR MILLS. Re: Budget Hearing and Meeting Schedule for Proposed 2018 Erie County Budget

Received, filed and printed.

November 2, 2017

Karen M. McCarthy, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Ms. McCarthy:

Attached please find the budget hearing and meeting schedule for the 2018 Proposed Erie County Budget, to be conducted by the Legislature's Finance & Management/Budget Committee on November 14, 15 and 16, 2017.

Also included on this schedule are the dates for the Legislative Public Hearing (November 21st) on the Proposed Budget, and the date scheduled for the Annual Budget Meeting (December 7th) for a vote of the full Legislature.

Please place these dates on the calendar of the Legislature and make the appropriate notifications.

Thank you for your assistance with this matter.

Sincerely,
JOHN J. MILLS
John J. Mills
Chair of the Erie County Legislature

2018 PROPOSED ERIE COUNTY BUDGET-MEETING AND HEARING SCHEDULE
Erie County Legislature Finance & Management/Budget Committee

NOVEMBER 14

9:15 Finance & Management/Budget Committee Meeting No. 1
9:30 Budget Presentation-Robert Keating, Director Budget & Management
10:00 Comptroller
10:30 County Executive
11:00 Budget & Management
11:30 Personnel and Labor Relations
12:00 Buffalo & Erie County Public Library
1:30 Office of the Sheriff
2:00 Purchase
2:30 County Attorney
3:00 Probation
3:30 Environment and Planning

NOVEMBER 15

9:15 Board of Elections
9:45 County Clerk
10:15 Information and Support Services
10:45 Homeland Security and Emergency Services
11:15 Parks, Recreation and Forestry
11:45 Senior Services
1:15 Health and Emergency Medical Services
1:45 Central Police Services
2:15 Mental Health
2:45 District Attorney
3:15 Social Services and Youth Services

NOVEMBER 16

11:00 Department of Public Works

NOVEMBER 17

9:15 *if necessary* – Call Backs

NOVEMBER 21

6:00 Public Hearing - Proposed 2018 Erie County Budget

DECEMBER 7

2:00 Session and Annual Budget Vote

DIVISION OF BUDGET & MANAGEMENT – BUDGET HEARING INFORMATION

Budget Consumption Report by Department

Position Control Report: Part 1 Part 2

Vacancy Report by Department

Statement of County Share Turnover Calculation

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE ACTING COUNTY CLERK

Item 35 – MR. LORIGO presented the following resolution and moved for immediate consideration and approval. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 230

RE: Increase in County Clerk's 2017 Budget
- Maintenance Contracts
(COMM. 20E-1)

WHEREAS, The Erie County Clerk's Auto Bureau Division provides walk-in service to thousands of customers per year at various locations; and

WHEREAS, the Auto Bureau facilities require routine cleaning for the health and satisfaction of customers and employees; and

WHEREAS, the County Clerk currently has a maintenance agreement with New York State Industries for the Disabled to provide cleaning services at three Auto Bureau locations; and

WHEREAS, in order to provide a clean environment for customers and employees for the remaining three months of 2017, there needs to be adequate funding to honor the contract with New York State Industries for the Disabled, and

WHEREAS, there is currently a shortfall in the Clerk's Budget GL 516030 - Maintenance Contracts as a result of a change in the scope of work in connection with the relocation of our Northtowns Auto Bureau and unanticipated increases in prevailing wage rates; and

WHEREAS, the Clerk's Office/Auto Bureau has identified funding to cover these increased costs from unanticipated revenues recorded in 2017 Revenues - GL 415190, Enhanced Drivers License Fees.

NOW, THEREFORE, BE IT

RESOLVED, that the following budgetary adjustments are made to the Clerk's 2017 Budget:

Erie County Clerk, Business Area 113

Fund 110 - Fund Center 11320 - Auto Bureau

REVENUE	Increase
415190 Enhanced Drivers License Fees	\$16,455
EXPENSE	Increase
516030 Maintenance Contracts	\$16,455

;and be it further

RESOLVED, that the Budget Office is authorized to make all necessary budgetary adjustments relative to this funding, and be it further

RESOLVED, that certified copies of this resolution be sent to the County Clerk, the Director of Budget and Management, the County Attorney and the County Comptroller.

FROM THE DISTRICT ATTORNEY

Item 36 – MR. LORIGO presented the following resolution and moved for immediate consideration and approval. MR. SAVAGE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 231

RE: Personnel Adjustment
(COMM. 20E-2)

WHEREAS, in order for the Erie County District Attorney to retain the best candidate to fill the most challenging positions within his office, it is important that they are compensated appropriately, and

WHEREAS, all requests for authority to recruit at a higher increment level must be approved by both the Legislature and the Erie County Executive, and

WHEREAS, the Erie County District Attorney is prepared and desires to fill the Victim Advocate position at a variable minimum pending action from your honorable body, and

WHEREAS, Section 2507b of the Erie County Charter states that independent elected officials, including the District Attorney, have the power to manage their departments within the parameters of their adopted budget, and

WHEREAS, the funds necessary to effectuate the above changes are available within the District Attorney's adopted appropriations for 2017.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize a variable minimum step 1 for the position of Victim Advocate (position #51013376), in fund center 11400, and be it further

RESOLVED, that the Director of Budget and Management and the Commissioner of Personnel make any changes necessary to effectuate the implementation of this resolution effective November 2, 2017 and be it further

RESOLVED, certified copies of this resolution be forwarded to the Erie County District Attorney, the Erie County Executive, the Commissioner of Personnel and the Director of Budget and Management.

FROM CHAIR MILLS

Item 37 – (COMM. 20E-3) Letter to Clerk of the Legislature Calling a Public Hearing Regarding LL Intro. 18-1 (2017)

Received, filed and printed.

October 24, 2017
Karen M. McCarthy, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Ms. McCarthy:

Please be advised that I want to call a Public Hearing to hear comment on Local Law Intro. 18-1 (2017) A Local Law Intro amending Local Law No. 3 of 2008, which affords real property tax breaks to veterans of the Cold War.

The Erie County Legislature is to hold a PUBLIC HEARING to consider the abovementioned at 6:30 p.m. on Wednesday, November 1, 2017 in the Erie County Legislature Chambers, located on the 4th floor of Old County Hall, 92 Franklin Street in the City of Buffalo.

Thank You for your attention to this matter.

Sincerely,
JOHN J. MILLS
John J. Mills, Chair
Erie County Legislature

Item 38 – (COMM. 20E-4) Letter to Clerk of the Legislature Calling a Public Hearing Regarding LL Intro. 19-1 (2017)

Received, filed and printed.

October 19, 2017

Karen M. McCarthy, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Ms. McCarthy:

Please be advised that I want to call a Public Hearing to hear comment on Local Law Intro. 19-1 (2017) A Local Law imposing misdemeanor criminal sanctions upon finding of fraudulent representation of military status to receive a monetary or other tangible benefit, otherwise known as the Theft of Valor law.

The Erie County Legislature is to hold a PUBLIC HEARING to consider the abovementioned at 6:00 p.m. on Tuesday, October 24, 2017 in the Erie County Legislature Chambers, located on the 4th floor of Old County Hall, 92 Franklin Street in the City of Buffalo.

Thank You for your attention to this matter.

Sincerely,
JOHN J. MILLS
John J. Mills, Chair
Erie County Legislature

Item 39 – (COMM. 20E-5) Appointment of Member to Finance & Management/Budget Committee

Received and filed.

FROM LEGISLATOR BURKE

Item 40 – (COMM. 20E-6) Letter to Legislator Lorigo Regarding LL Intro. 1-2 (2017)

Received and filed

FROM THE COUNTY EXECUTIVE

Item 41 – (COMM. 20E-7) Goodrich Road Reconstruction Project - Town of Clarence

Item 42 – (COMM. 20E-8) Construction for Engineering Services for Dona Street Extension - Bethlehem Steel Redevelopment - City of Lackawanna

Item 43 – (COMM. 20E-9) Utility Easement for Solar Power Purchase Agreement - Town of Alden

Item 44 – (COMM. 20E-10) ECC North Campus - 2017 - Spring Student Center Roof Replacement Project

Item 45 – (COMM. 20E-11) EC Youth Detention Facility - 2016 - Interior Housing Unit Renovation Project

The above five items were received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 46 – (COMM. 20E-12) Retaining a Consultant to Perform a Household Hazardous Waste Feasibility Study

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 47 – (COMM. 20E-13) Purchase of 2017 Tax Lien Certificates

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 48 – (COMM. 20E-14) Indigent Legal Services Grant

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE COMPTROLLER

Item 49 – (COMM. 20E-15) Erie County Sheriff's Office - Audit of the Serving of Child Support Summonses and Family Court Warrants for Period Apr. 1, 2016-Mar. 31, 2017

Item 50 – (COMM. 20E-16) 2017 Revenue Anticipation Note Notification

The above two items were received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 51 – (COMM. 20E-17) Letter to Comptroller Regarding Proposed 2018 Erie County Budget

Received and referred to the FINANCE & MANAGEMENT/BUDGET COMMITTEE.

Item 52 – (COMM. 20E-18) Department of Mental Health - Authorization to Accept Grant Funding and Amend Contract Due to SAMHSA Award - Year 2 of 3

Item 53 – (COMM. 20E-19) Letter to Legislator Dixon Concerning Response to Letter Regarding Child Protective Service Workers

The above two items were received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE CLERK OF THE LEGISLATURE

Item 54 – (COMM. 20D-1) Notice of Public Hearing Regarding LL Intro. 18-1 (2017)

Item 55 – (COMM. 20D-2) Notice of Public Hearing Regarding LL Intro. 19-1 (2017)

Item 56 – (COMM. 20D-3) Notice of Public Hearing Regarding EC Sewer Districts 2017 Assessment Rolls (2018 Levy)

Item 57 – (COMM. 20D-4) NYS DEC Documents Received

The above four items were received and filed.

FROM THE COMMISSIONER, DEPARTMENT OF ENVIRONMENT & PLANNING

Item 58 – (COMM. 20D-5) SEQR Negative Declaration - Rental Housing Construction Project - 75-77 Center St, City of Lackawanna

Received and filed.

FROM THE DEPARTMENT OF LAW

Item 59 – (COMM. 20D-6) Transmittal of New Claims Against Erie County

Received and filed.

FROM THE DIRECTOR, DEPARTMENT OF BUDGET & MANAGEMENT

Item 60 – (COMM. 20D-7) Budget Monitoring Report for Period Ending Aug. 2017

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 61 – (COMM. 20D-8) Proposed 2018 Erie County Budget - Budget Hearing Information

Received and referred to the FINANCE & MANAGEMENT/BUDGET COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM BUFFALO PLACE INC

Item 62 – (COMM. 20M-1) 2018 Budget and Supporting Documents

Received and filed.

FROM THE EC BAR ASSOCIATION

Item 63 – (COMM. 20M-2) Assigned Counsel Program - Quarterly Report for 3rd Quarter 2017

Received and filed.

FROM THE EC AGRICULTURAL & FARMLAND PROTECTION BOARD

Item 64 – (COMM. 20M-3) 2017 Report - EC Agricultural Districts Inclusion of Viable Agricultural Land

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

ANNOUNCEMENTS

Item 65 – CHAIR MILLS announced the Finance & Management/Budget Committee meeting No.1 is Nov. 14, 2017 at 9:15 a.m.

Item 66 – CHAIR MILLS announced the schedule for the 2018 Proposed Erie County Budget hearings is scheduled for Nov. 14-16, 2017.

Item 67 – CHAIR MILLS announced a public hearing regarding proposed modifications to agricultural districts is scheduled for Nov. 16, 2017 at 6:00 p.m. at 21 South Grove St, Dard Hunter Hall, East Aurora, NY.

Item 68 – CHAIR MILLS announced the next regularly scheduled legislative session is Nov. 16, 2017.

Item 69 – CHAIR MILLS announced a public hearing regarding the proposed 2018 Erie County Budget is scheduled for Nov. 21, 2017 at 6:00 p.m.

Item 70 – CHAIR MILLS announced committee meetings for the month of November are scheduled for Nov. 30, 2017.

Item 71 – LEGISLATOR GRANT thanked the legislature staff for their thoughts and card for the passing of Ms. Grant's sister.

MEMORIAL RESOLUTIONS

Item 72 – Legislator Burke requested that when the Legislature adjourns, it do so in memory of Daniel Kulczyk and James R. Stanley.

Item 73 – Legislator Lorigo requested that when the Legislature adjourns, it do so in memory of Judy Beecher.

Item 74 – Legislator Loughran requested that when the Legislature adjourns, it do so in memory of Michael "Mick" Polowy.

Item 75 – Legislator Miller-Williams requested that when the Legislature adjourns, it do so in memory of Rev. Michael Titus.

Item 76 – Legislator Morton requested that when the Legislature adjourns, it do so in memory of Michael "Mick" Polowy, Florence Ravenhall, Bernice Mary Szatkowski and Barbara M. Swiatek.

Item 77 – Legislator Rath requested that when the Legislature adjourns, it do so in memory of James J. Allen, James R. Loomis Sr and Katy L. Powell.

Item 78 – Legislator Savage requested that when the Legislature adjourns, it do so in memory of Michael "Mick" Polowy and Barrett A. Ward.

ADJOURNMENT

Item 79 - At this time, there being no further business to transact, CHAIR MILLS announced that the Chair would entertain a Motion to Adjourn.

MR. LORIGO moved that the Legislature adjourn until Thursday, November 16, 2017 at 2:00 p.m. Eastern Standard Time. MR. RATH seconded.

CARRIED UNANIMOUSLY.

CHAIR MILLS declared the Legislature adjourned until Thursday, November 16, 2017 at 2:00 p.m. Eastern Standard Time.

KAREN M. McCARTHY
CLERK OF THE LEGISLATURE